

Notice of Allowability

Application No.

09/965,071

Examiner

SARA CHANDLER

Applicant(s)

SICK ET AL.

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/31/10.
2. ☒ The allowed claim(s) is/are 1,2,4-9 and 12-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05/21/10.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/965,071 (09/27/01) filed on 03/31/10.

Allowable Subject Matter

Claims 1, 2, 4-9 and 12-15 are allowed, subject to the examiner's amendment below.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Duane Basch, Reg. No. 34,545 on 05/18/10.

EXAMINER'S AMENDMENT

The application has been amended as follows: Please amend claim 1, 4, 8 and 13.

1. (Currently Amended) In an on-line financial screening service, a method of using a computer for searching a financial database stored in a computer memory, including data for a plurality of companies, and an intellectual property database stored in a computer memory, including data for a plurality of companies, in order to find securities matching user search criteria and relevant intellectual property, wherein the users access the databases over the Internet, the method comprising:

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constructing, ~~or~~ using an interface associated with the computer, a search query having both financial search criteria and intellectual property search criteria defined by a user;

using the computer and interface, searching the database for records matching the financial search criteria and the intellectual property search criteria; and

the computer relaxing at least some of the search criteria, until at least a required number of matching records are found, wherein the required number of matching records is never less than one; and

the computer reporting the matching records to the user via the interface, including at least one item of data selected from the group consisting of Stock Price, Price/Earnings Ratio, Current Ratio, Debt/Equity Ratio, Cash/Price ratio, Earnings per Share Growth-1Yr, Earnings per Share Growth-1Yr, Insider Trades, Institutional Holdings %, Price/Book Ratio, and Price/Cash Flow Ratio.

4. (Currently Amended) In an on-line service, a method operating on a computer for screening financial investment opportunities, comprising ~~the steps of:~~

~~constructing~~, on a query interface associated with the computer[,]
constructing a search query having both financial search criteria and intellectual property search criteria;

the computer searching a financial database, including data for a plurality of companies stored in computer memory, for data records associated with at least one company based upon the financial search criteria and retrieving the results thereof;

the computer searching an intellectual property database, including data for a plurality of companies stored in computer memory, for data records associated with the at least one company based upon the intellectual property search criteria and retrieving the results thereof;

the computer combining, ~~using the computer~~, the results of the financial database searching step and the intellectual property database searching step to determine common results on a company basis;

~~using~~ the computer[,], analyzing the number of common results on a company basis to determine if the number is greater than zero, and if not relaxing the search criteria employed in at least one of the searching steps and rerunning the searches to obtain a non-zero number of common results; and

the computer depicting the combined results via an interface ~~of the computer~~.

8. (Currently Amended) In an on-line service accessed by a computer, a method for screening financial investment opportunities, comprising ~~the steps of:~~

the computer, including a query interface, constructing a search query via the query interface having both financial search criteria and intellectual property search criteria;

the computer searching a financial database, including data for a plurality of companies, for data records associated with at least one company based upon the financial search criteria and retrieving the results thereof;

the computer searching an intellectual property database, including data for a plurality of companies, for data records associated with the at least one company based upon the intellectual property search criteria and retrieving the results thereof;

the computer combining the results of the financial database searching step and the intellectual property database searching step to determine common results on a company basis;

the computer analyzing the number of common results on a company basis to determine if the number is greater than zero, and if not

relaxing the search criteria employed in at least one of the searching steps and rerunning the searches to obtain a non-zero number of common results; and

the computer depicting the ~~combined~~ common results.

13. (Currently Amended) A system for screening financial investment opportunities, comprising:

a computer platform responsive to user input ~~including and providing~~ access to at least a financial database including data records associated with a plurality of companies and an intellectual property database including data records associated with a plurality of companies;

a query interface, associated with said computer platform, said ~~user~~ query interface ~~constructing~~ configured to construct a search query including both financial search criteria and intellectual property search criteria;

programmable search software, operable by said computer platform, ~~for searching to search~~ the financial database for data records associated with at least one company based upon the financial search criteria and ~~retrieving~~ retrieve the results thereof for storage in a first memory, ~~said programmable search function also being employed for searching and to search~~ the intellectual

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property database for data records associated with the at least one company based upon the intellectual property search criteria and ~~retrieving~~ retrieve the results thereof for storage in a second memory;

the computer platform configured to automatically ~~relaxing~~ relax search criteria employed by the programmable search software to obtain a non-zero number of search results;

search analysis software, operable by said computer platform, ~~for combining~~ to combine the results of the financial database search and the intellectual property database search to determine common results; and
a display device for depicting the common results.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Please refer to the prosecution history of the instant application. In particular, the BPAI's remarks dated 06/11/09 (i.e., See "Constructing Search Query" on pgs. 10-11) which distinguishes the instant claimed invention from the closest prior art references listed below.

1. Rivette, US Pat. No. 5,991,751
2. Collins, US Pat. No. 6,061,681; and
3. Black, US Pat. No. 6,012,042.

The examiner incorporates the BPAI's remarks by reference as reasons for allowance of claims 1, 2, 4-9 and 12-15.

Regarding language in the preamble of the independent claims such as "screening financial investment opportunities." The preamble of claim 4, for example, refers to "screening financial investment opportunities." This is understood to be consistent with the specification, for example p. 3, lines 11-14,

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which states "Accordingly, it is desirable to provide a system which helps investors screen out investment opportunities by combining fundamental financial search criteria with that of patent search criteria such as intellectual property holdings, patents issued and the like." As the body of claim 4 includes searching of both a financial database and an intellectual property database, the body both supports and is consistent with the preamble of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC
/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693